

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 4, 2003
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:10 a.m. Mayor Murphy recessed the meeting at 10:58 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:05 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:22 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 11:59 a.m. with all Council Members present. Mayor Murphy adjourned the meeting at 12:05 p.m. into Closed Session at 2:00 p.m. in the twelfth floor conference room to discuss existing and anticipated litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour (ek)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdenour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell commented on the Charger Task Force Report. Mr. Stillwell also submitted a video tape segment of NBC's Fleecing of America.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m. - 10:28 a.m.)

PUBLIC COMMENT-2: REFERRED TO THE CITY MANAGER

Kevin Kelly commented on the need for safety measures on sidewalks for pedestrian traffic.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. - 10:34 a.m.)

PUBLIC COMMENT-3:

Jim Varnadore commented on the bylaws of subcommittees and the method of election for their members.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. - 10:36 a.m.)

PUBLIC COMMENT-4:

Jarvis Ross commented on trolley transit and light-rail transportation versus bus transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. - 10:40 a.m.)

PUBLIC COMMENT-5:

Noel Neudeck commented on sidewalk liability to property owners within the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. - 10:43 a.m.)

PUBLIC COMMENT-6:

Adrian Kwiatkowski and Alisa Monian commented on non-profit agencies that they work for, which include family-health centers in various communities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. - 10:46 a.m.)

PUBLIC COMMENT-7:

Dave Thompson stated that he is a children's-rights advocate, and described an incident of child-abuse which he witnessed at a bus station. Mr. Thompson also made general comments regarding financial corruption.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m. - 10:50 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on task force groups and redevelopment in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:51 a.m. - 10:53 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Maienschein introduced the Canyon View Elementary School third-graders from the Poway Unified School District, who were in attendance at the City Council meeting. Mr. Maienschein asked the students to meet with members of his staff for a question-and-answer session.

Council Member Peters asked the Canyon View School third-graders to say "good morning, Mayor Murphy," which they did, and Mayor Murphy responded with "good

morning.” Council Member Peters announced the completion of high-priority projects in the Penasquitos community. He also mentioned that he threw out the first ball at the Del Mar Little League game, and that there has been an upgrading of the playing field. He also wished Council Member Madaffer a Happy Birthday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:10 a.m. - 10:13 a.m.; 10:24 a.m. - 10:24 a.m.)

COUNCIL COMMENT-2:

Council Member Inzunza noted that today is Council Member Madaffer’s 43rd birthday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:14 a.m. - 10:15 a.m.)

COUNCIL COMMENT-3:

Council Member Atkins commented on the missing person, Faye Williams, who lived on Altadena Drive in City Heights and who worked at Denny’s Restaurant in City Heights. She requested anyone having information as to her whereabouts to call the police at (619) 531-2000.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:16 a.m. - 10:17 a.m.)

COUNCIL COMMENT-4:

Council Member Madaffer thanked Council Member Inzunza for recognizing his birthday. Council Member Madaffer also stated that he celebrated opening day for the Tierra Santa Little League. New equipment was provided for the teams and it was

enjoyable to see children engaged in sports.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:18 a.m. - 10:18 a.m.)

COUNCIL COMMENT-5:

Council Member Frye commented on the jacaranda trees along Morena Boulevard. Miss Frye also wished to thank members of the Urban Corps for their work and support on this tree-planting project. She also noted that the planting of these trees works toward the accomplishment of Mayor Murphy's Goals Numbers 3 and 9, better neighborhoods and energy conservation.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:19 a.m. - 10:22 a.m.)

COUNCIL COMMENT-6:

Council Member Lewis wished to commend members of the Southeast Community Theatre and the celebration of African arts. Council Member Lewis also wished to commend James and Shirley Wilson, owners of a dry-cleaning establishment in his district.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:25 a.m. - 10:25 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-330: Bernardo Center Drive Street Vacation.

(SA-02-520. Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-955) ADOPTED AS RESOLUTION R-297707,
WITH DIRECTIONS

Certifying that the portions of Bernardo Center Drive and Camino Crisalida ,
reserving out a general utility and access easement, as more particularly described
in the legal description marked as Exhibit "A" and as shown on drawing No.
19799-B marked as Exhibit "B," are ordered vacated;

That the resolution shall not become effective unless and until the following
conditions have been met:

- (a) The applicant relocates and constructs a new storm drain inlet satisfactorily
to the City Engineer.
- (b) The applicant shall cut and plug the existing public 12-inch water facilities,
located within Bernardo Center Drive right-of-way to be vacated, in a
manner satisfactory to the City Engineer.
- (c) The 36-inch Rancho Bernardo Pipeline, located within Bernardo Center
Drive right-of-way to be vacated, shall be out of service and abandoned in
a manner satisfactory to the City Engineer.
- (d) Public water improvements, as shown on improvement drawing numbers
31546-D and 31999-D, shall be complete and operational in a manner
satisfactory to the City Engineer.

In the event the above conditions are not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect;

That the City Engineer shall advise the City Clerk of the completion of the aforementioned public improvements, and the City Clerk shall then cause a certified copy of this resolution, attested by him under seal, to be recorded in the Office of the County Recorder.

SUPPORTING INFORMATION:

City Council action is requested to vacate a portion of Bernardo Center Drive and Camino Crisalida located in the Rancho Bernardo Community area within Council District 5. The portion of Bernardo Center Drive to be vacated is partially unimproved and terminates south of Camino Crisalida at the City/County boundary line. A small portion of Camino Crisalida is also proposed for vacation at both radius corners located at the street limit line, east of Bernardo Center Drive. The applicant requests the street vacation in order to re-align Bernardo Center Drive for the extension of the road into County land pursuant to County of San Diego Tract 5216 R2, 4S Ranch Neighborhood 2 subdivision. The areas to be vacated are contiguous to residential lots and open space lots of the Camino Bernardo Unit 5 subdivision.

A "General Utility and Access Easement" will be reserved for the entire area to be vacated, for the existing franchise utilities located within this area. Existing water facilities in this area will be relocated satisfactory to the City Engineer. Prior to the recordation of the public right-of-way vacation, public water improvements shall be complete and operational in a manner satisfactory to the City Engineer. Staff review has determined that the four findings for vacation can be made. Staff recommends the street vacations in order to support the re-alignment and extension of Bernardo Center Drive necessary for the development of County land.

FISCAL IMPACT: None.

TRAFFIC STATEMENT:

The proposed vacation, re-alignment, and extension of Bernardo Center Drive would not generate any trips. Therefore, a traffic information table is not provided.

Ewell/Christiansen/CM

NOTE: This activity is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15061(b)(3).

FILE LOCATION: J-2949 (39)

COUNCIL ACTION: (Time duration: 10:54 a.m. - 10:57 a.m.)

MOTION BY MAIENSCHIN TO ADOPT WITH DIRECTION TO THE CITY MANAGER THAT THE TRAFFIC SIGNAL ON BERNARDO CENTER DRIVE AND CAMINO CRISALIDA BE PLACED ON THE "WATCH LIST" IN THE EVENT THAT IF IN THE FUTURE THE INTERSECTION BECOMES A TRAFFIC PROBLEM, THE LONG PROCESS OF INSTALLING A SIGNAL LIGHT CAN BE AVOIDED. WITH THIS INTERSECTION ON THE "WATCH LIST", THE LIGHT CAN BE PROVIDED RIGHT AWAY. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Short Term Transitional Housing for Displaced Seniors Program.

(See City Manager Report CMR-02-265; memorandum from Councilmember Atkins dated 11/12/2002. Centre City Community Area. District-2.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-938 Cor. Copy) ADOPTED AS RESOLUTION R-297708,
WITH DIRECTIONS

Authorizing the acceptance of a \$90,000 loan repayment from Centre City Development Corporation Debt Service Fund to Community Development Block Grant Program (Fund 18502) for the Transitional Housing for Displaced Seniors Program;

Authorizing the appropriation and expenditure of funds, contingent upon certification of funds availability by the City Auditor and Comptroller, for the Transitional Housing for Displaced Seniors Program;

Authorizing the City Manager to enter into agreement with the Housing Commission to administer the Transitional Housing for Displaced Seniors

Program, provided that the City Auditor and Comptroller first furnishes an Auditor's Certificate which demonstrates that funds for such obligations are, or will be, on deposit in the City Treasury.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 11/13/2002, LU&H voted 4 to 0 to approve the City Manager's Option A including specific requests to the Centre City Development Corporation to fund the \$191,000 gap identified in the report and to fund \$120,000 for emergency shelter programs for the most needy seniors. (Councilmembers Wear, Stevens, Maienschein, and Frye voted yea. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

On November 13, 2002, the Land Use and Housing Committee voted 4-0 to: (1) Adopt the City Manager recommended option which provides funding for 35 independent living rooms (\$191,000); (2) Add \$120,000 to provide five assisted living rooms for the frail elderly; and (3) Request a \$311,000 contribution from the Centre City Development Corporation (CCDC) to fund both portions of the Senior Transitional Program.

The City Manager's Report No. 02-265, titled "Short-Term Transitional Housing Program for Displaced Seniors" was presented at the Land Use and Housing Committee meeting of November 13, 2002 and describes the nature of the program.

On December 4, 2002, the City Attorney's Office concluded that low/mod funds are not an eligible source to subsidize the services portion of the assisted living program. However, the housing portion of the assisted living program is eligible. Of the \$120,000 for the assisted living program, it is estimated that \$90,000 is for services and \$30,000 is for housing.

On December 11, 2002, the CCDC Board voted to allocate \$311,000 to the Short-Term Senior Transitional Housing Program for Displaced Seniors. Of that amount, \$221,000 from the Horton Plaza Redevelopment Project Low and Moderate Income Housing Set-Aside Fund will be provided directly to the Housing Commission for the housing costs associated with the transitional and assisted living programs, and a \$90,000 loan repayment from the CCDC Debt Service Budget will be appropriated in the City's Community Development Block Grant Program. This Council action allocates the \$90,000 CDBG repayment to the Housing Commission for the services portion of the Assisted Living Program.

Herring/Cunningham/ELL

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:06 a.m. - 11:22 a.m.)

MOTION BY ATKINS TO ADOPT WITH DIRECTION THAT, IN VIEW OF THE INCREASE OF THE SENIOR POPULATION AND UPCOMING PROJECTS FOR SENIORS NEXT YEAR, THE CITY MANAGER WORK WITH HER, CCDC AND THE HOUSING COMMISSION TO DETERMINE HOW SENIOR PROJECTS WILL CONTINUE TO BE FUNDED. COUNCIL MEMBER ATKINS ALSO ASKED THAT THE CITY MANAGER IDENTIFY WAYS TO STRENGTHEN THE STABILITY OF SENIOR PROGRAMS. IN ADDITION, FIND WAYS TO CONTINUE TO FUND ASSISTED-LIVING BIDS. AS TO THE FIVE-PERSON PANEL, MISS ATKINS ASKED THAT THEY LOOK AT NOTICES OF FUNDING AVAILABILITY WITH A VIEW TO LONG-TERM PLANNING FOR SENIOR HOUSING AS A TOP PRIORITY. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Findings for Transitional Housing for Displaced Seniors Program.

(See Report from Centre City Development Corporation CCDC-03-06, CCDC-03-04. Centre City Redevelopment Project Community Area. District-2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-970) ADOPTED AS RESOLUTION R-297709

Determining that the use of Funds from Horton Plaza Redevelopment Project's low and moderate income housing set-aside fund in the Centre City Redevelopment Project will be of benefit to the Horton Plaza Redevelopment Project.

NOTE: See the Redevelopment Agency Agenda of 3/4/2003 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:22 a.m. - 11:22 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote:
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea,
Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 12:00 p.m. in honor of the memory of:

Joseph William Odenthal as requested by Council Member Atkins;
Virginia Whiteside as requested by Mayor Murphy.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 12:05 p.m.)